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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,011	06/19/2003	Birgit Byman-Kivivuori	NOKV.013CIP	6004

EXAMINER	
SMITH, CREIGHTON H	

ART UNIT	PAPER NUMBER
2614	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/600,011

Applicant(s)

BYMAN-KIVIVUORI ET AL.

Examiner

Creighton H. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 APR '07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11, 13, 14, 16, 18, 20, 21, 23-29, 35-44, 49-50 are rejected under 35 U.S.C. 102(E) as being anticipated by Klitsgaard, U.S Patent Publication #2002/0014955, now U.S Patent #6,624,752.

Klitsgaard discloses in [0018] an RFID system that can be used in airline baggage systems or other systems. In the 2nd to last sentence of ¶-0018 Klitsgaard discloses that “[w]hen an airline realizes that a piece of luggage has been sent to a wrong, they can send an **SMS** or **email** to the luggage owner and thus arrange proper redirection of the luggage. The address of the owner could be stored within the tag or stored at an internet site addressed by the information stored in the tag.” In [0032] Klitsgarrrd discloses that the receiving unit can generate a notification signal to the message. The “receiving unit,” as disclosed in Fig. 11 & [0065], could be a mobile phone device. Klitsgaard further discloses in ¶-0032 that the notification signal sent by the receiving unit could by means of a Wireless Application Protocol (WAP) that connects the user to the Internet or a WAP web page that is included within the message from the tag/transponder to the receiving unit. The 3rd sentence of ¶-0032 discloses that “[a]nother example is that the receiving unit transmits an email, makes a phone call **or**

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in any similar way establishes a communication channel for transmission of the message. In the last sentence of ¶-0032 Klitsgaard discloses that a receiving unit is adapted to detect email address in the messages received, and upon the detection to forward a notification relevant to the owner of the luggage. In [0096] Klitsgaard discloses that a hand held terminal (18) with a screen (19) will display messages and graphics, e.g., **pictures** included in the message received from the tag.

Therefore, Klitsgaard teaches applicant's "associating" and "activating" steps. Applicant's "visual representation" is disclosed in Klitsgaard as pictures and the pictures trigger a "function to be performed" by notifying the someone else (here, the owners of the luggage), via SMS, email, WAP, or in any other similar way of the information received in the tag at the receiving device.

Applicant's "invoking . . . application" step is met in Klitsgarrrd when the receiving device sends out the notification via SMS, WAP, email, etc.

Klitsgaard discloses the equivalent of a transponder in [0068 & 0095] where it is disclosed that the luggage tag and luggage detector have Bluetooth™ technology employed in them to transmit and receive signals, thus making the tags transponders. Also see Hall et al disclosure from the previous Office action.

Regarding claim 13, Klitsgaard teaches the use of SMS which reads upon applicant's recital of an "over-the-air connection. See applicant's spec., page 19, lines 15-17. For claim 37, see [0122] for the disclosure of a PDA.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15, 17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Klitsgaard.

In view of Klitsgaard's disclosure in ¶-0032 of establishing a communication channel, besides WAP, SMS, or email, "in any similar manner," for applicant to have used MMS is deemed an obvious variation in view of Klitsgaard's disclosure.

Claims 12, 30-34, 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klitsgaard in view of MacLellan et al '296.

Klitsgaard never discloses that the identifier or picture is transmitted by a backscatter signal. However, MacLellan et al disclose in col. 3, lines 20-25, a RFID system that utilizes backscatter technology. To have provided MacLellan et al teaching of using backscatter technology in Klitsgaard's RFID tag/transponder would have been obvious to a person having ordinary skill in the art, because both references are in the field of RFID communications and the person with ordinary skill in the RFID art would have found these references readily combinable. Common sense would dictate to the skilled practitioner in the RFID art that these known inventive concepts, within the realm of RFID, are combinable.

Claims 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Klitsgaard in view of Ritter, U.S. Patent Publication #2002/0111164.

Ritter discloses in {0023} a terminal (3) that consists of a portable mobile phone. In [0032] Ritter discloses that the portable terminal (3) can have an RFID

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element in it, and that it can operate on JAVA applets – [0037]. To have provided Ritter's teaching of using JAVA applets would have been obvious to a person having ordinary skill in the RFID art.

Claims 22, are rejected under 35 U.S.C. 103(a) as being unpatentable over Klitsgaard in view of Hall et al, U.S. Patent Publication #2004/0203352.

Hall discloses in [0039] that their RFID device can transmit medical data. To have provided Hall's teaching in Klitsgaard of transmitting medical data would have been obvious to a person having ordinary skill in the art because the type of information that can be transmitted is limitless.

Any inquiry concerning this communication should be directed to Creighton H. Smith at telephone number 571/272-7546.

05 MAY '07

A handwritten signature in black ink, appearing to read "Creighton H. Smith". The signature is fluid and cursive, with the first name being the most prominent.

Creighton H Smith
Primary Examiner
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